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State v. Ruth, 14 Mo. App. 226. Again it is the rule that only where the streets are defined by legislative enactment will the court recognize their existence without proof. *Diggins v. Hartshorne*, 108 Cal. 154. On the other hand it has been held that the court cannot take judicial notice that an alley between two designated streets is within certain territorial boundaries. *City of Topeka v. Cook*, 72 Kan. 595. Nor will a court take judicial notice of a street outside the state. *Ingersoll v. Davis*, 14 Wyo. 120.

EXECUTORS AND ADMINISTRATORS—COMPENSATION—LEGAL SERVICES—
IN RE WILSON'S ESTATE, 119 N. W. 522 (NEB.) An administrator, being an attorney-at-law, performed legal services in the administration of said estate. *Held*, that if such services were necessary for the proper administration of the estate and beneficial thereto, the court in its discretion might allow the administrator reasonable compensation therefor. Reese, C. J., and Dean and Rose, JJ., *dissenting*.

The weight of authority is in favor of the rule that an executor or administrator can receive no compensation for legal services rendered by him to the estate. *Hough v. Harvey*, 71 Ill. 72; *Lile's Succession*, 24 La. Ann. 490; *Loague v. Brennan*, 86 Tenn. 634. Some courts go even further and hold that a firm of which the administrator is a member can receive no compensation for professional services rendered the estate. *Parker v. Day*, 155 N. Y. 383; *Taylor v. Wright*, 93 Ind. 121. This doctrine is followed by the English Courts. *Burge v. Brutton*, 2 Hare 373. On the other hand numerous jurisdictions hold with the principle case, that an administrator is entitled to reasonable attorney's fees. *Alexander v. Bates*, 127 Ala. 328; *in re Mabley's Estate*, 74 Mich. 143; *Sloan v. Duffy*, 117 Wis. 480.

HUSBAND AND WIFE—ATTORNEY'S FEES—HUSBAND'S LIABILITY—HEN-
DRICK V. SILVER, 115 N. Y. SUPP. 1093. *Held*, that an attorney may recover from the husband for services rendered the wife in her action for a separation upon proof that the suit was for the support of the wife and that it was brought on reasonable grounds.

The general rule is that the husband is liable for the necessities due the wife. *Seybold v. Morgan*, 43 Ill. App. 39; *Dolan v. Brooks*, 168 Mass. 350. There is a conflict of opinion as to when legal services are to be considered as necessities. Some courts hold that legal services rendered the wife in defending herself in divorce proceedings brought by the husband are necessities. *Porter v. Briggs*, 38 Iowa 166; *Gossett v. Patten*, 23 Kan. 340. But other courts hold that such services are not necessities. *Cook v. Newell*, 40 Conn. 596; *Dow v. Eyster*, 79 Ill. 254. There is also conflict as to whether husband is liable for legal services furnished to the wife in bringing divorce proceedings against him; some courts holding the husband liable, *Isbell v. Weiss*, 60 Mo. App. 54; *Morrison v. Holt*, 42 N. H. 478, whereas other courts do not hold him liable, *Hahn v. Rogers*, 69 N. Y. Supp. 926. Neither is the husband liable for attorney's fees for bringing a criminal prosecution to compel him to support the

wife *McQuhae v. Rey*, 51 N. Y. St. Rep. 166. Nor is the husband liable for the wife's attorney fees when she makes a complaint of assault and battery against him. *Conant v. Burnham*, 133 Mass. 503; *Smith v. Davis*, 45 N. H. 566. But if the wife is accused of crime she may have legal services at the husband's expense. *Artz v. Robertson*, 50 Ill. App. 27; *Warner v. Heiden*, 28 Wis. 517.

LANDLORD AND TENANT—EVICTION—MADDEN v. BULLOCK, 115 N. Y. SUPP. 723. *Held*, that constructive eviction was a good defense in an action for rent of an apartment vacated by a lessee on account of the stench arising from dead and decaying rats which the lessor unsuccessfully attempted to remove. Mac Lean, J., *dissenting*.

The weight of authority seems to support the rule that to constitute eviction there must be some act done by the landlord with the intention of interfering and which actually does interfere with the tenant's enjoyment of the premises. *Royce v. Guggneheim*, 106 Mass. 201; *Meeker v. Spalsburg*, 66 N. J. L. 60; *Rice v. Dudley*, 65 Ala. 68. In case the premises become untenable and the landlord fails to repair, it will be considered that the tenant was constructively evicted. *Tallman v. Murphy*, 120 N. Y. 345. And if the premises are rented for use as a store and the landlord by placing obstruction in the street interferes with the access of customers to the store this will also be considered as constructive eviction. *Edmison v. Lowry*, 3 S. D. 77. Courts are in conflict as to whether creation and allowing a nuisance to remain is a constructive eviction, some courts holding that such conduct on the part of the landlord does amount to a constructive eviction; *Lay v. Bennett*, 4 Col. App. 252; *Alger v. Kennedy*, 49 Vt. 109; whereas other courts hold that such conduct would not constitute a constructive eviction. *De Witt v. Pierson*, 112 Mass. 8; *Hotel v. Eyre*, 53 N. Y. App. Div. 273. But in any case the acts of the landlord must clearly show intention to evict the tenant; *Thomas v. Demmen*, 112 Ala. 670; *Morris v. Tillson*, 81 Ill. 607; and furthermore the tenant must give up possession of the premises, *Beecher v. Duffield*, 97 Mich. 423; *Hall v. Ervin*, 77 N. Y. Supp. 91.

LIBEL AND SLANDER—WORDS ACTIONABLE—CORPORATIONS.—KIMBLE & MILLS OF PITTSBURGH v. KAIGN, 115 N. Y. SUPP. 809. *Held*, that where a complaint, charging only that defendants stated that plaintiff corporation bribed one of defendant's solicitors to give plaintiff a list of defendant's clients, did not show any direct pecuniary injury to plaintiff so as to be libelous *per se*, Houghton, J., *dissenting*.

Any untrue written words which expose a person to the hatred, contempt or aversion of the community are held to be libelous *per se*. *Atwater v. Morning News Co.*, 67 Conn. 504; *Field v. Magee*, 122 Mich. 556. In applying this rule, however, corporations are distinguished from private persons. Corporations, it is well established, may sue for libel, even without mentioning special damage, when the defamation concerns them in their trade or business or is directed against their credit. *Morrison-Jewell Filtration Co. v. Lingane*, 19 R. I. 316; *Arrow Steamship*